

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL ANDREW WATSON,

Defendant.

Case No. 2:19-mj-00771-NJK

ORDER

(Docket No. 24)

Pending before the Court is the United States' motion for telephonic appearance of the victim in the instant case at the sentencing of Defendant. Docket No. 24.

The United States submits that it "anticipates" that Defendant will enter a plea of guilty to certain counts of the complaint on November 20, 2019. *Id.* at 1. The United States further "anticipates" that the Court will sentence Defendant on the same day. *Id.* at 1, 3. Therefore, as the victim has now moved to a different state and has two small children, the United States asks the Court to allow her to appear telephonically at Defendant's sentencing. *Id.* at 4.

The Crime Victims' Rights Act confers certain rights on a victim of crime. 18 U.S.C. § 3771. One of those rights is the right to "reasonable, accurate, and timely notice of any public court proceeding ... involving the crime ... of the accused." 18 U.S.C. § 3771(a)(2). Despite that clear language, and despite the Court's clear order setting Defendant's trial date to November 13, 2019, counsel for the United States appears to have misinformed the victim in the instant case of the date Defendant will appear in court. Docket No. 24 at 1, 3, 5 (United States inaccurately states case is set for November 20, 2019). The United States is **ORDERED** to immediately inform the victim of the accurate date that this case is set for trial. 18 U.S.C. § 3771(a)(2).

1 Further, the United States inaccurately assumes that the Court will sentence Defendant on
2 the same date on which he enters his guilty plea, if Defendant does, in fact, enter a guilty plea in
3 court on November 13, 2019. The Court has no such intention.

4 The victim has the right, under the Crime Victims' Rights Act, not to be excluded from
5 any public court proceeding. 18 U.S.C. § 3771(a)(3). The victim further has the right to be
6 reasonably heard at a plea hearing. 18 U.S.C. § 3771(a)(4).

7 The United States' motion submits solely that the victim desires to make a statement at
8 sentencing. *See* Docket No. 24. A sentencing date, however, has not been set. Therefore, the
9 Court **DENIES** the United States' motion, without prejudice, as premature. Docket No. 24.

10 No later than November 6, 2019, at 10:00 a.m., the United States is **ORDERED** to file
11 certification that the victim has been apprised of the correct trial date in the instant case. Further,
12 if the victim desires to be reasonably heard telephonically at the plea hearing, the United States is
13 **ORDERED** to file the correct motion, no later than November 6, 2019, at 10:00 a.m. Any
14 response must be filed no later than November 7, 2019.

15 IT IS SO ORDERED.

16 DATED: November 5, 2019.

17
18 
19 _____
20 NANCY J. KOPPE
21 UNITED STATES MAGISTRATE JUDGE
22
23